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MEMO ENDORSED

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**VIA FACSIMILE**  
**914-390-4278**

March 28, 2010

Honorable Cathy Seibel  
United States District Judge  
The Hon. Charles L. Brieant Jr.  
Federal Building and United States Courthouse  
300 Quarropas St.  
White Plains, NY 10601-4150

*Application granted.*  
**SO ORDERED:**  
*Cathy Seibel*  
Cathy Seibel, U.S.D.J.

Dated: 3/31/10

**Re: Kelly, et al. v. BLT Steak LLC., et al., 08-cv-8708-CS**

Dear Judge Seibel:

We represent Plaintiffs in the above-captioned matter. In its February 19, 2010 Order, the Court scheduled the fairness hearing for final approval of the class action settlement for April 23, 2010.

Under the Settlement Agreement, Class Counsel must submit a motion for final approval on or before April 16, 2010, seven days before the fairness hearing. However, based on the timing of the Court's entry of the Order and the subsequent mailing to Class Members of the notices of settlement, the Class Members' deadline to opt-out and/or object to the settlement is April 19, 2010. Class Counsel's motion would be most effective if it could recite the exact amount of people, if any, that have opted-out and/or objected to the settlement. Accordingly, Plaintiffs respectfully request this Court's permission to file the motion for final approval on April 19, 2010, once the deadline to opt-out and/or object is passed. Defendants do not oppose this request.

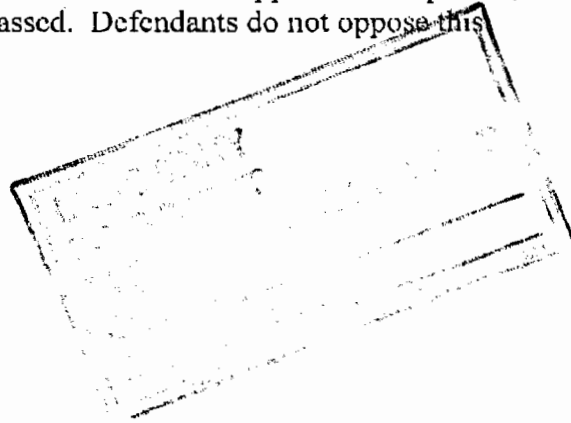
Thank you for your attention to this matter.

Respectfully submitted,

JOSEPH, HERZFELD, HESTER  
& KIRSCHENBAUM LLP

By: *D. Maimon*

D. Maimon Kirschenbaum



cc: Michael Volpe, Esq. (via email)- Counsel for Defendants

JOSEPH, HERZFELD, HESTER & KIRSCHENBAUM LLP  
ATTORNEYS

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FACSIMILE TRANSMITTAL SHEET

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TO:	Honorable Cathy Seibel	FROM:	D. Maimon Kirschenbaum
COMPANY:	United States District Court, SDNY	DATE:	3/28/2010
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NOTES/COMMENTS:

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